

Remarks:

Reconsideration of the application is requested. Claims 1-2, 4-5, and 7-27 are now in the application. Claims 1, 4-5, 7, and 25 have been amended. Claims 3 and 6 have been canceled. Claim 27 has been added.

In item 2 of the Office action, the Examiner rejected claims 1, 2, 17-19, and 25-26 as being fully anticipated by Brennan (U.S. D459,949) under 35 U.S.C. § 102(e). The rejection has been noted and claims 1 and 26 have been amended in an effort to define more clearly the invention of the instant application. Support for the changes is found on page 3, line 3, of the specification.

Before discussing the prior art in detail, a brief review of the invention as claimed is provided. Amended claim 1 calls for, *inter alia*, a mug handle cover having the following features:

a top being approximately as wide as a handle;

a first side extending in a direction from said top and having an inward cone-shaped protrusion on said first side, said protrusion having a base, said base being distal to said top; and

a second side extending in the direction from said top and being laterally opposed to said first side;

said first side and said second side being configured to releasably hold the handle. (Emphasis Added by Applicant.)

Brennan discloses a mug with an integrated handle that can support an ornament (i.e. a Mickey Mouse figure). The handle is cylindrical; and therefore has only one surface. The handle is integral with the mug. So, the attachment of the handle in Brennan is permanent and cannot be removed. Finally, in Brennan, the mug is custom designed to be used along with the integral handle.

In contrast to Brennan, the invention as described in claim 1 includes three sides. The handle cover according to the invention of the instant application "removably" clips to the handle of a mug. This allows users to temporarily attach the handle cover to a mug in a bar for the purpose of distinguishing their mug from others. The handle cover is generic and can work with any mug being used.

Claims 2 and 17-19 ultimately depend on amended claim 1 and are therefore not anticipated by Brennan for the same reason.

Claim 25, the method claim, has likewise been amended to emphasize that the handle cover is being releasably attached to the mug's handle. Claim 26 depends on claim 25 is therefore not anticipated by Brennan for the same reason as claim 25.

In item 4 of the Office action, the Examiner rejected claims 3-7 as being unpatentable over Brennan in view of Sweeny (U.S.

4,982,989) under 35 U.S.C. § 103(a). The features of claim 6 have been added to amended claim 1 and claim 6 has been canceled.

Amended claim 1 has the following features:

a top being approximately as wide as a handle;  
a first side extending in a direction from said top and having an inward cone-shaped protrusion on said first side, said protrusion having a base, said base being distal to said top; and  
a second side extending in the direction from said top and being laterally opposed to said first side;  
said first side and said second side being configured to releasably hold the handle. (Emphasis added.)

Brennan shows no devices (i.e. cones or ribs) that hold onto a handle.

Sweeny merely teaches ribs 32, 34, 36, and 38. The ribs have the same thickness as the walls; see col. 3, lines 25-26.

In contrast to Sweeny, amended claim 1 of the instant application calls for cone-shaped protrusions. The cone shaped protrusions are particularly suited for holding onto a handle of a mug. The cone shaped protrusions conform to the rounded shape of most mug handles. Therefore, the cone-shaped protrusions are more than a mere design choice--cone-shaped

protrusions conform to and hold onto mug handles better than other shapes. Furthermore, the invention is intended to work with any mug regardless of the precise shape of the handle. The conical shaped protrusions, compared to other shapes of protrusions, have been shown to be particularly useful in providing tolerances for different shapes of handles.

In item 5 of the Office action, the Examiner rejected claims 8-16 and 20-24 as being unpatentable over Brennan in view of Normann (U.S. 5,368,393). Claims 8-16 and 20-24 ultimately depend on amended claim 1. Amended claim 1 is patentable over Brennan and Normann because neither teaches or suggests conical shaped protrusions. Therefore, for the same reason that their base claim is patentable over the prior art, claims 8-16 and 20-24 are patentable.

Claim 27 has been added. Claim 27 is similar to originally filed claims 1 and 18 but adds the feature that the interior top (32) of the arcuate top faces the handle of the mug. This contrasts Sweeny (U.S. 4,982,989) where the interior of the arcuate top faces away from the handle. Furthermore, none of the prior art teaches or suggests the feature. Therefore, claim 27 is patentable over the prior art.

/  
In view of the foregoing, reconsideration and allowance of claims 1-2, 4-5, and 7-27 are solicited. In the event the

Examiner should still find any of the claims to be unpatentable, please telephone counsel so that patentable language can be substituted.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

LOREN DONALD PEARSON  
REG. NO. 42,987

Loren D. Pearson  
For Applicant

LDP:cgm

July 23, 2003

Lerner and Greenberg, P.A.  
Post Office Box 2480  
Hollywood, FL 33022-2480  
Tel: (954) 925-1100  
Fax: (954) 925-1101